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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 CRESCENT POINT ENERGY CORP.,

14 *Plaintiff,*

15 v.
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17 TACHYUS CORPORATION,

18 *Defendant.*
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Case No.: 3:20-cv-06850-MMC (AT)

Assigned to Magistrate Judge Alex Tse

**STIPULATION FOR STAY OF
DISCOVERY ORDERS PENDING
REVIEW**

1 Plaintiff Crescent Point Energy Corp. (“Crescent Point”) and Defendant Tachyus Corporation
2 (“Tachyus”) hereby stipulate as follows:

3 WHEREAS on June 28, 2023, Crescent Point filed the required joint statements with the Court
4 to compel responses to an interrogatory and certain document requests served on Tachyus, as well to
5 compel the production of a Rule 30(b)(6) witness to testify on topics that Tachyus disputed (ECF Nos.
6 131, 132);

7 WHEREAS, on July 17, 2023, the Court issued an order compelling Tachyus to respond in full
8 to the disputed interrogatory and document requests by August 1, 2023 (ECF No. 135);

9 WHEREAS, on July 20, 2023, the Court issued an order requiring Tachyus to provide a Rule
10 30(b)(6) witness to testify regarding two disputed deposition topics by August 4, 2023 (ECF No. 136);

11 WHEREAS the Tachyus engineer with the knowledge necessary for Tachyus to respond to the
12 discovery requests and to serve as the Rule 30(b)(6) witness on the disputed topics is on vacation
13 hiking in Peru until July 30, 2023, and cannot be reached by Tachyus;

14 WHEREAS Tachyus intends to file objections to the Court’s discovery orders seeking the
15 District Court’s review via a Motion for Relief pursuant to Fed. R. Civ. P. 72(a) and Local Rule 72-2;
16 and

17 WHEREAS counsel for Tachyus raised these scheduling issues and its intent to file objections
18 to the Court’s discovery orders with counsel for Crescent Point;

19 WHEREAS, if Tachyus’s anticipated Motion for Relief pursuant to Fed. R. Civ. P. 72(a) and
20 Local Rule 72-2 is denied or deemed denied, the Parties agree that Tachyus will serve full responses
21 to the disputed interrogatory and document requests and produce responsive documents within fifteen
22 (15) days of such denial (which was the same amount of time provided by the Court’s discovery order);

23 WHEREAS, after Tachyus’s anticipated Motion for Relief pursuant to Fed. R. Civ. P. 72(a)
24 and Local Rule 72-2 is resolved, the Parties will meet and confer to schedule the deposition of
25 Tachyus’s unavailable engineer.

26 THE PARTIES HEREBY STIPULATE AND AGREE that (i) the Court’s discovery orders
27 should be stayed pending review of Tachyus’ objections pursuant to Fed. R. Civ. P. 72(a) and Local
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Rule 72-2, which will also accommodate the unavailability of the Tachyus engineer on vacation until July 20, 2023, (ii) if Tachyus's anticipated Motion for Relief pursuant to Fed. R. Civ. P. 72(a) and Local Rule 72-2 is denied or deemed denied, Tachyus will serve full responses to the disputed interrogatory and document requests and produce responsive documents within fifteen (15) days of such denial; and (iii) after Tachyus's anticipated Motion for Relief pursuant to Fed. R. Civ. P. 72(a) and Local Rule 72-2 is resolved, the Parties will meet and confer to schedule the deposition of Tachyus's unavailable engineer.

DATED: July 24, 2023

ALSTON & BIRD

By: /s/ Stuart C. Plunkett

Stuart C. Plunkett

Attorneys for Defendant

DATED: July 24, 2023

SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP

By: /s/ Lance A. Etcheverry

Lance A. Etcheverry

Attorneys for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Hon. Alex Tse

FILER'S ATTESTATION

I, Lance A. Etcheverry, am the ECF User whose identification and password are being used to file this document. I hereby attest that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: July 24, 2023

/s/ Lance A. Etcheverry

Lance A. Etcheverry